



U.S. District Court

United States District Court
Southern District of New York

USDC SDNY

DOCUMENT

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*The Silvio J. Moynihan Building
One Saint Andrew's Plaza
New York, New York 10007*

June 14, 2022

BY ECF

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Wilkin De Los Santos*, 19 Cr. 391 (AT)

Dear Judge Torres:

The Government requests, with the defendant's consent, a brief adjournment of the trial currently scheduled to begin tomorrow, June 15, 2022. On the morning of June 14, 2022, the Government learned that the case agent developed symptoms of COVID-19 and tested positive on the evening of June 13, 2022. Earlier on June 13, the case agent was in close contact with a cooperating witness for the Government (the "CW"). After being told of the COVID exposure on June 14, the CW informed the Government that the CW is not vaccinated against COVID-19. Accordingly, under the current courthouse protocols, the CW is barred from entering the courthouse for 10 days, until at least June 23, 2022.¹

Accordingly, the Government writes to request an adjournment of the trial date until a time when the CW will be available to testify. The defendant consents. After conferring with defense counsel, the Government requests that trial be adjourned to commence on a date the weeks of July 11 or 19, 2022. If necessary, the Government (and defense) would also be available to begin trial on June 23 or the week of June 27, 2022; however, one of the AUSAs has a two-day hearing scheduled in front of Judge Kaplan on June 28 and June 29.² The parties are also available to select the jury at an earlier date than the trial commences.

Understanding the lateness of the Government's request, but given that witnesses are currently or will shortly be en route to New York from around the country, the Government respectfully requests a ruling on this application as soon as is practicable.

¹ See <https://www.nysd.uscourts.gov/sites/default/files/2022-05/COVID%20Procedures%20v9%205-20-2022%20-%20Positive%20Diagnosis%20Symptoms%20or%20Exposure.pdf>.

² The Government would also note that if the CW tests positive for COVID-19, the CW's quarantine from the courthouse may be extended by an additional 5 to 10 days.

The defense consents to the exclusion of time under the Speedy Trial Act until the rescheduled trial date. An exclusion is in the interests of justice so that the parties have time to prepare for trial.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney


By: /s/
Edward C. Robinson, Jr.
Matthew R. Shahabian
Assistant United States Attorneys
(212) 637-2273/-1046

cc: Donald Yannella, Esq. (by ECF)

GRANTED. The trial scheduled to begin June 15, 2022, is ADJOURNED to **June 21, 2022, at 9:00 a.m.** Time until June 21, 2022, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(A). The Court finds that the ends of justice served by granting the exclusion outweigh the interests of the public and Defendant in a speedy trial because such an extension is necessary to permit the parties time to prepare for trial.

SO ORDERED.

Dated: June 14, 2022
New York, New York



ANALISA TORRES
United States District Judge